



FOR IMMEDIATE RELEASE

CONTACT: Susan Sullam, 202-224-4524

March 27, 2009

CARDIN, MIKULSKI CO-SPONSOR BILL TO IMPROVE ACCESS TO CIVIL JUSTICE FOR LOW- INCOME AMERICANS

Bill would restore the principle of "Equal Justice Under the Law"

WASHINGTON – **U.S. Senator Benjamin L. Cardin** and **Barbara A. Mikulski** (both D-MD) have co-sponsored legislation that would expand and improve vital civil legal aid in this country. The bill would increase funding for the Legal Services Corporation (LSC), lift many of the restrictions on LSC-funded attorneys and improve corporate governance at LSC.

"As the former chairman of the Maryland Legal Services Corporation, I am committed to expanding access to legal services," said **Senator Cardin**, a member of the Senate Judiciary Committee. "Unfortunately today, many low-income Americans do not have access to justice. They can't afford to hire a lawyer or obtain legal assistance for serious problems. This legislation takes a strong step forward to close this justice gap by eliminating burdensome restrictions on LSC attorneys and by providing adequate funding to LSC."

"The Legal Services Corporation was created to ensure all Americans have equal access to justice under the law. Because of LSC, poor pregnant women being battered by their husbands have had a lawyer to turn to. Homeowners facing foreclosure have gotten assistance renegotiating their mortgage terms – and staying in their homes. People with disabilities, the elderly, and victims of natural disasters have had a place to turn for legal aid," **Senator Mikulski** said. "With the economic downturn, and increased stress on struggling families, the services LSC provides are needed now more than ever. I am committed to making sure LSC has the funding it needs in the federal checkbook to meet its mission."

The federal commitment to legal services is not as effective as it needs to be. In 1974, Congress established the Legal Services Corporation (LSC) – a private, non-profit corporation funded by Congress – to fund civil legal aid. LSC, however, has not been reauthorized since 1981, and federal funding has been slashed since 1995 – from \$415 million to \$350 in FY'08, with only a recent increase to \$390 million for FY'09. Congress, moreover, has imposed severe restrictions on the use of both federal as well as non-federal funds – impeding attorneys' ability to provide the most effective legal assistance.

The Civil Access to Justice Act of 2009 recommits the principle of "Equal Justice Under Law" in five main ways:

- **Increases the authorized funding level for LSC to \$750 million**, which is approximately the amount appropriated in 1981, adjusted for inflation, which was the high-water mark for LSC funding. At the time, this level was seen as sufficient to provide a minimum level of access to legal aid in every county. Adjusted for inflation, this “minimum access” level would need to be about \$750 million today.
- **Lifts many of the restrictions** currently placed on legal tools that LSC-funded attorneys can use to represent their clients, such as being able to file class action lawsuits and collect attorney’s fees.
- **Lifts most restrictions on the use of non-federal funds.** Lifting these restrictions allows individual states, cities and donors the ability to determine themselves how best to spend non-federal funds to ensure access to the courts.
- **Provides for better governance at LSC.** Recent GAO reports highlighted the need for better corporate governance and oversight. A central feature of the bill is provisions to improve corporate practices.
- Authorizes a grant program from the Department of Education to **expand law school clinics**. Not only are law students a significant resource for legal services, but clinics are a bridge to careers in legal services and a professional career involving *pro bono* for young lawyers.

The bill is supported by, among others, the American Bar Association, Brennan Center for Justice, National Legal Aid & Defender Association, National Organization of Legal Service Workers and United Auto Workers.

###